REMARKS

Claims 1, 4-16, 18-24 and 26-47 are pending in the application. Claims 1, 5, 12, 15, 18 and 20 have been amended. Claims 2, 3, 17 and 25 have been canceled without prejudice or disclaimer. Claims 36-47 are newly added. Reconsideration of this application is respectfully requested.

The Office Action Summary indicates that the Action is FINAL and non-final. On or about January 11, 2006, the Examiner notified Applicants' attorney by telephone that the Office Action is non-final.

It is noted with appreciation that the Office Action has indicated that claims 6-14, 17, 21, 22, 24 and 26-35 would be allowable if rewritten to include all the limitations of the base claim and of any intervening claims.

Independent claim 15 has been amended to incorporate the language of allowable claim 17, but not the language of intervening claim 16. It is submitted that this omission does not affect the allowability. Therefore, it is submitted that independent claim 15 is in condition for allowance and that its dependent claims 16, 18-24 and 26-35 are also in condition for allowance.

Dependent claim 26 has been amended to change its dependency from claim 24 to claim 23 for clarity.

The Office Action rejects claim 20 under the second paragraph of 35 U.S.C. 112 as indefinite because there is insufficient antecedent basis for "said surfaces". Claim 20 has been amended to recite "said platen has a flat surface", "platen" having antecedent basis at line 2 of independent claim 15. Accordingly, it is submitted that the rejection of claim 20 under the second paragraph of 35 U.S.C. 112 is obviated by the amendment and is in condition for allowance as discussed above.

The Office Action rejects claims 15 and 16 under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. Re. 32,994 to Adamson, hereafter Adamson.

This rejection has been obviated by the amendment to independent claim 15. Independent claim 15 has been amended to incorporate the language of allowable claim 17. Therefore, it is submitted that independent claim 16 and dependent claim 16 is not anticipated by Adamson.

For the reason set forth above, it is submitted that the rejection of claims 15 and 16 under 35 U.S.C. 102(b) as anticipated by Adamson is obviated by the amendment and should be withdrawn.

The Office Action rejects claims 1-5, 15, 18-20, 23 and 25 under 35 U.S.C 103(a) as unpatentable over U.S. Patent No. 5,341,727 to Dickson, hereafter Dickson, in view of Adamson.

This rejection is moot as to claim 25, which has been canceled.

It is submitted that this rejection is obviated by the amendment. With respect to claims 15, 18-20 and 23, independent claim 15 has been amended so as to be in condition for allowance as discussed above. Dependent claims 18-20 and 23, being dependent on independent claim 15, are also in condition for allowance as discussed above.

Independent claim 1 has been amended to recite that a heater box is disposed in physical contact with one side of the platen to thereby define a cooking area having a central portion and a portion which is remote from the central portion. Claim 1 has been further amended to recite that a temperature sensor is disposed to sense temperature of the central portion. Independent claim 1 has been further amended to recite:

"a heater that is disposed in said heater box and that has a structure that provides maximum heat to said remote portion and minimal heat to said central portion such that during a pre-heat mode or a recovery mode said cooking area of said platen attains a substantially uniform temperature before said temperature sensor senses a set temperature, which ends said pre-heat mode or said recovery mode".

The claimed heater structure assures that the entire cooking area has a substantially uniform temperature when set temperature is sensed. This is in contrast to prior art heater structures that result in non-uniform temperatures across the cooking area when the set temperature is sensed.

Dickson's heater structure consists of a platen that has a channel system embedded therein through which hot oil circulates. The oil temperature is regulated based on the oil temperature downstream of the platen for pre-heat and recovery as well as steady state cooking. Dickson contains no teaching of a temperature sensor disposed to sense temperature of a central portion of the cooking area of the platen. Furthermore, Dickson's channel system does not provide minimal heat to a central portion and maximal heat to a remote portion of the cooking area such that in pre-heat or recovery a substantially uniform temperature of the cooking area is attained before the temperature sensor senses the set temperature.

Adamson discloses a heater structure that is entirely different than that of Dickson. Adamson's heater structure consists of an electrical heater embedded in the platen. Adamson does not disclose or teach the location of a temperature sensor. Adamson merely describes at column 8 "a thermocouple 96 that is responsive to the temperature of the associated heater 92a-91c". Moreover, Adamson does not disclose or teach a heater structure that provides minimal heat to a central portion of the platen cooking area and maximal heat to a remote

portion of the cooking area such that by the time the temperature sensor senses a set temperature in the central portion, the cooking area will have attained a substantially uniform temperature.

Since neither Dickson nor Adamson discloses or teaches the claimed temperature sensor and heater structure, amended independent claim 1 is not obvious in view of the combination of Dickson and Adamson.

The Examiner relies on column 9, lines 57-62, as showing functional equivalence of electrical, infrared and gas for use in heating boxes. This citation merely states that Dickson's circulating hot oil is beneficial compared to electric resistance heaters, infrared burners and vapor transport systems. This does not in any way connote functional equivalence of any individual one of these systems to another.

For the reasons set forth above, it is submitted that the rejection of claims 1-5, 15, 18-20 and 23 under 35 U.S.C. 103(a) is erroneous and should be withdrawn.

Newly presented independent claim 36 recites a grill that comprises "gas burner comprising a surface in which an array of ports is disposed in column sequences that are separated by rows". This same language appears in claim 22, which the Office Action indicated as allowable. Therefore, it is submitted that new independent claim 36 and its dependent claims 37-42 are also allowable.

Newly presented independent claim 43 recites a grill that comprises "an electrical heater comprising a first electrical element and a second electrical element disposed to provide minimal and maximum heat to first and second portions, respectively". This same language appears in claim 33, which the Office Action indicated as allowable. Therefore, it is submitted that new independent claim 43 and its dependent claims 44 and 45 are also allowable.

Newly presented independent claim 46 recites a grill that comprises "a temperature sensor disposed to sense a temperature of heat provided by said heater, and wherein said first portion of said grill surface is in a vicinity of said temperature sensor and second portion of said grill surface is outside said vicinity". Very similar language appears in claim 24, which the Office Action indicated as allowable. Therefore, it is submitted that new independent claim 46 and its dependent claims 47 are also allowable.

It is respectfully requested for the reasons set forth above that the rejections under 35 U.S.C. 112, 35 U.S.C. 102(b) and 35 U.S.C. 103(a) be withdrawn, that claims 1, 4-16, 18-24 and 26-47 be allowed and that this application be passed to issue.

Respectfully Submitted,

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